

House File 2444 - Introduced

HOUSE FILE 2444

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 648)

A BILL FOR

1 An Act relating to the administration of the tax and related
2 laws of the department of revenue, including powers and
3 duties of the director and administration of the inheritance
4 tax, motor fuel and special fuel taxes, and including
5 retroactive applicability provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

POWER AND DUTIES OF THE DIRECTOR

Section 1. Section 421.17, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 33. At the director's discretion, to receive and retain in an electronic format any record, application, tax return, deposit, report, or any other information or document required to be submitted to the department.

DIVISION II

INHERITANCE TAX

Sec. 2. Section 450.94, subsection 2, Code 2014, is amended to read as follows:

2. Unless a return is not required to be filed pursuant to section 450.22, subsection 3, or section 450.53, subsection 1, paragraph "b", the taxpayer shall file an inheritance tax return on forms to be prescribed by the director of revenue on or before the last day of the ninth month after the death of the decedent. When an inheritance tax return is filed, the department shall examine it and determine the correct amount of tax. If the amount paid is less than the correct amount due, the department shall notify the taxpayer of the total amount due together with any penalty and interest which shall be computed as a sum certain if paid on or before, with interest computed to the last day of the month in which the notice is dated, ~~or on or before the last day of the following month if the notice is dated after the twentieth day of a month and before the first day of the following month.~~

DIVISION III

MOTOR FUEL AND SPECIAL FUEL TAXES

Sec. 3. Section 452A.64, Code 2014, is amended to read as follows:

452A.64 Failure to file return — incorrect return.

If a return required by this chapter is not filed, or if a return when filed is incorrect or insufficient ~~and the filer~~

1 ~~fails to file a corrected or sufficient return within twenty~~
2 ~~days after the same is required by notice from the appropriate~~
3 ~~state agency,~~ the appropriate state agency shall determine the
4 amount of tax due. The determination shall be made from all
5 information that the appropriate state agency may be able to
6 obtain and, if necessary, the agency may estimate the tax on
7 the basis of external indices. The appropriate state agency
8 shall give notice of the determination to the person liable
9 for the tax. The determination shall fix the tax unless the
10 person against whom it is assessed shall, within sixty days
11 after the giving of notice of the determination, apply to
12 the director of the appropriate state agency for a hearing
13 or unless the taxpayer contests the determination by paying
14 the tax, interest, and penalty and timely filing a claim for
15 refund. At the hearing, evidence may be offered to support
16 the determination or to prove that it is incorrect. After the
17 hearing, the director shall give notice of the decision to the
18 person liable for the tax. The findings of the appropriate
19 state agency as to the amount of fuel taxes, penalties, and
20 interest due from any person shall be presumed to be the
21 correct amount and in any litigation which may follow, the
22 certificate of the agency shall be admitted in evidence, shall
23 constitute a prima facie case and shall impose upon the other
24 party the burden of showing any error in the findings and the
25 extent thereof or that the finding was contrary to law.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to the administration of the tax and
30 related laws by the department of revenue.

31 DIVISION I — POWERS AND DUTIES OF THE DIRECTOR. Division
32 I amends the powers and duties of the director of revenue to
33 allow the director, at the director's discretion, to receive
34 and retain in an electronic format any record, application, tax
35 return, deposit, report, or any other information or document

1 required to be submitted to the department.

2 DIVISION II — INHERITANCE TAX. Division II relates to the
3 inheritance tax. The division eliminates the requirement that
4 notices of assessment issued after the twentieth day of a month
5 include interest calculated for the next month.

6 DIVISION III — MOTOR FUEL AND SPECIAL FUEL TAXES. Division
7 III relates to motor fuel and special fuel taxes. Current
8 law requires that the department of revenue or the state
9 department of transportation, as applicable, send a notice to
10 filers of fuel tax returns if the return is either incorrect
11 or insufficient, giving the taxpayer 20 days to file a
12 corrected return. If a correct or sufficient return is not
13 filed, the department of revenue or the state department of
14 transportation, as applicable, is authorized to determine the
15 amount of tax due and send a notice of assessment to the person
16 liable for the tax. The division strikes the 20-day notice
17 requirement.